

### **REMARKS**

The present amendment is in response to the Official Action dated August 11, 2006, wherein the Examiner rejected pending claims 1-5 and 7-27, where the applicants note with appreciation the indication that claim 6 contains allowable subject matter. Regarding claims 1-5 and 7-27, more specifically, the Examiner has rejected claims 1-5, 7-20 and 23 under 35 U.S.C. §103(a) as being unpatentable over Overy et al., International Patent Publication No. WO01/57547, in view of Ganesh et al., US Patent No. 6,360,098; and rejected claims 21, 22 and 24-27 under 35 U.S.C. §103(a) as being unpatentable over Overy et al., '547 and Ganesh et al., '098, in further view of Maloney, US Patent No. 6,288,675. However contrary to the assertions of the Examiner, the references cited by the Examiner, either separately or in combination, fail to make known or obvious each and every feature of the claims of the present application. The specific reasoning supporting the applicants' conclusions are set forth below. As a result, reexamination and reconsideration of the above-identified application, in view of the present remarks, is hereby requested.

Minimally, in relying upon Overy et al., '547, and Ganesh et al., '098, the Examiner has misconstrued the teachings and/or misapplied them to the claims of the present application. Focusing on the independent claims, contrary to the assertions of the examiner, the combination of references minimally fails to teach or suggest "determining an aggregate value corresponding to the number of occurrences of each of the reference units in the neighbor list of the unit to be located and the neighbor lists of each of the associated units" (claim 1), and/or "a calculation element for determining an estimated location, based upon the number of occurrences of each of the reference units in the neighbor list and the neighbor lists of a plurality of associated units ..." (claim 14). The Examiner is reminded that it is not enough to piece together disparate partial teachings, which are neither contextually consistent nor when taken together make known or obvious the invention (i.e. the claimed combination of elements). Here the Examiner has not provided a combination of teachings which are contextually consistent between the two relied upon references, nor does the combination of references make known each and every feature of each and every claimed element.

It is specifically noted that the Examiner correctly acknowledges that the primary reference is void of a corresponding teaching for the above identified elements associated with each of the independent claims, namely, a number of occurrences of a reference unit in the

corresponding neighbor lists. However contrary to the Examiner's assertion, Ganesh et al., '098, similarly fails to make known or obvious the claimed feature. Alternatively, Ganesh et al., '098, involves the multiple detections of a candidate handoff channel, which is determined from multiple locations, for the purposes of determining a neighbor list, and not for determining a location. Furthermore, the neighbor list that is determined in Ganesh et al., '098, is determined for a sector and not a particular unit, or any unit associated with the particular unit, and therefore Ganesh et al. '098, could hardly be said to make known a determination of a number of occurrences in the neighbor lists of the unit to be located and the associated units. The same distinctions noted above with respect to the independent claims are similarly relevant with respect to each of the corresponding dependent claims, which depend from the above noted independent claims. Consequently, contrary to the Examiner's assertions, the references being relied upon by the Examiner fail to make known or obvious each and every feature of the claims, nor can they be combined in the manner currently being suggested by the Examiner for purposes of making known or obvious the respective claims, and therefore the cited references cannot be said to make obvious the claims of the present application.

In addition to rejecting claims 1-5 and 7-27 in view of the cited references, the Examiner further identified the need to provide formal drawings. While the applicant is of the opinion that it is entirely suitable for the prosecution to proceed based upon informal drawings, the applicants have nevertheless filed herewith the requested formal drawings, which are understood to be only necessary if and when the present application is allowed and if the application were to proceed to issuance. The general identification of lack of formality would appear to generally be only a problem if they are not of sufficient quality to permit examination (see MPEP §608.02(b) ¶6.26). However, no such allegation has been made. Furthermore, such a basis for requiring a correction of drawings is understood to only be used in extremely rare and limited circumstances, where no examination can be performed due to the poor quality of the drawings. Here no such difficulty has been alleged. However, nevertheless, the applicants have attached hereto an updated set of drawings, which are more formal in nature.

For the reasons noted above, the claims as presently pending are allowable over the prior art of record. Consequently, reexamination and reconsideration of the claims is respectfully requested, with a view toward the allowance of the same.

Respectfully submitted,

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